UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TYANNA AND JEFF CANNATA, individually, and on behalf of all persons similarly situated,	)	
Plaintiffs,	)	Case No. 06 C 2196
-v-	)	Judge Hibbler
FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, a municipal corporation, and **BFI WASTE SYSTEMS OF NORTH AMERICA, INC.,** a Delaware corporation, individually and as successor by merger to E & E Hauling, Inc. and Browning-Ferris Industries of Illinois, Inc.,	)	
Defendants.	)	

PRELIMINARY APPROVAL ORDER

Plaintiffs, Tyanna and Jeff Cannata, on behalf of themselves and each member of the Settlement Class,[1] and Defendants, Forest Preserve District of DuPage County and BFI Waste Systems of North America, LLC as successor to BFI Waste Systems of North America, Inc., having made a joint request pursuant to Rule 23 of the Federal Rules of Civil Procedure for an order preliminarily approving the proposed settlement of this lawsuit in accordance with the Settlement Agreement and Limited Release (the "Agreement") filed with this Court, and the Court having read and considered the Agreement, and Plaintiffs and the Settling Defendants having consented to the entry of this Order:

IT IS HEREBY ORDERED:

1. The Agreement, and all of its terms and conditions, is preliminarily approved as fair, just, reasonable and adequate, subject to further consideration at a final approval hearing

[1] Capitalized terms used but not defined herein shall have the same meaning ascribed to them in the Agreement, as defined herein.

(the "Final Approval Hearing");

2. The Court approves the form of the Settlement Notice (Exhibit B to the Agreement), and directs that Class Counsel shall serve same upon the Settlement Class (by hand delivery or U.S. Mail) no later than March 14, 2009. The Court finds that service of the Settlement Notice in this manner constitutes the best notice practicable under the circumstances to members of the Settlement Class, and complies fully with the provisions set forth in Federal Rule of Civil Procedure 23(e)(1), and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. The Court further finds that the Settlement Notice clearly and concisely informs the Settlement Class of their rights and options with respect to the proposed settlement, in plain, easily understood language, in conformance with the requirements of Federal Rule of Civil Procedure 23.

3. As provided for in the Settlement Notice, owners of property in the Additional Class Area portion of the Settlement Class (who have not received notices about this case nor been afforded an opportunity to exclude themselves from this class action proceeding), shall be afforded the right to either opt out from or object to the final approval of this settlement. The Court finds, pursuant to Federal Rule of Civil Procedure 23(e)(4), that those members of the Settlement Class who are part of the previously Certified Class (who previously received a notice about this case and were afforded an opportunity to exclude themselves from this class action proceeding) should not, under the circumstances of this case and its settlement, be afforded a second opportunity for exclusion, but rather shall solely have the right to object to this settlement.

4. The Court approves the form of the notices to "appropriate Federal and State officials", attached to the Agreement as Exhibit E, and directs each defendant to serve them (by hand delivery or U.S. Mail) no later than February 20th, 2009. The Court finds that service of the

notice in this manner complies fully within the provisions set forth in the Class Action Fairness Act U.S.C. § 1715 and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. As provided for in the attached notice, the appropriate Federal and State officials have ninety (90) days to object or to oppose the settlement.

5. The Final Approval Hearing is scheduled herein for May 28, 2009 at 10:15 a.m., at which the Court will consider the entry of the Final Approval Order (Exhibit D to the Agreement).

6. Owners of property in the Additional Class Area portion of the Settlement Class shall have until April 15, 2009 to opt out of the Settlement Class. All owners of property in this area who properly file a timely written request for exclusion shall be excluded from the Settlement Class, and shall have no rights under the Agreement. A request for exclusion must be in writing, state the name of the property owner, the address of the property, and contain the following statement: "I AM A WYNN AVENUE PROPERTY OWNER AND WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE CANNATA CLASS ACTION LITIGATION." The request must be signed and mailed to the address provided in the Settlement Notice and postmarked (or mailed by overnight delivery) by April 15, 2009. A request for exclusion that does not include all of the foregoing information, that is sent to an address other than the one designated in the Settlement Notice, or that is not sent within the time specified, shall be invalid and the person(s) serving such a request shall be a member(s) of the Settlement Class and be bound as a member of the Settlement Class, if the Agreement is finally approved.

7. All members of the Settlement Class who do not request exclusion shall have until April 15, 2009 to object to the proposed settlement. Any objection must be in writing, be

signed by the objecting Settlement Class Member, state the specific grounds for the objection, be filed with the Court on or before April 15, 2009, and be mailed to Class Counsel and counsel for the Settling Defendants. Any member of the Settlement Class who fails to timely object in the manner prescribed herein shall be deemed to have waived his or her objections and forever be barred from making any such objections in this action. Only members of the Settlement Class shall have the right to object to the settlement.

IT IS SO ORDERED.

Dated: February 12, 2009

Wm. J. Hibbler

William J. Hibbler
United States District Judge